

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

RONALD GIBBS and BOBBI
KAZMIERCZAK, individually, and on behalf
of others similarly situated,

Plaintiffs,

V.

**THE RESULTS COMPANIES, LLC, a
Delaware Corporation,**

Defendant.

CIVIL ACTION NO 7:18-cv-00170-O

JOINT STIPULATION

Plaintiffs Ronald Gibbs (“Gibbs”) and Bobbi Kazmierczak (“Kazmierczak”), and Defendant The Results Companies LLC (“Results”), by their undersigned counsel of record, hereby jointly stipulate and agree that: (1) pursuant to a valid arbitration agreement, Federal Rule of Civil Procedure 41(a)(1)(A)(ii), and the Federal Arbitration Act, 9 U.S.C. § 1, *et seq.*, all claims asserted by Kazmierczak are dismissed, and (2) due to unique facts and circumstances, Results withdraws its Partially Opposed Motion to Dismiss or, In the Alternative, to Stay Proceedings and Compel Arbitration [Dkt. 12] (the “Motion”) as to Gibbs. In support of this Joint Stipulation, the parties state as follows:

1. On January 11, 2019, Results filed the Motion seeking to compel Plaintiffs to individual arbitrations based upon valid arbitration agreements. Kazmierczak did not oppose the relief requested in the Motion and is further unopposed to the dismissal of her claims in this matter.
 2. Gibbs opposes the Motion and does not consent to arbitration.

3. Due to a highly unique set of facts and circumstances related to the arbitration agreement between Gibbs and Results, Results agrees to withdraw the Motion as to Gibbs.

4. Results's agreement to withdraw the Motion as to Gibbs is not a waiver of its right to enforce the arbitration agreement against any other current or former employee who agreed to arbitration.

NOW, THEREFORE, the parties jointly request that this Court dismiss Kazmierczak from this action, withdraw the Motion as to Gibbs, and direct Results to file its answer to the Collective and Class Action Complaint [ECF 1] within 14 days of the Court's order granting the relief requested herein.

So stipulated and agreed.

Dated: January 29, 2019

Respectfully submitted,

PHELPS DUNBAR LLP

BY: /s/ Claudine Jackson

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Local Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on the 29th day of January 2019 I electronically filed the foregoing with the Clerk of Court for the U.S. District Court, Northern District of Texas, Dallas Division, using the electronic case filing system of the court. The Electronic case files system sends a "Notice of Electronic Filing" to all counsel who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Claudine Jackson

Claudine Jackson